

## City Sues SDSU

Good morning all:

I wanted to inform you that on Tuesday, December 4, in Closed Session, the San Diego City Council voted unanimously to file a lawsuit against SDSU for the university's failure to reach agreement for their fair-share of traffic mitigation as part of their Master Plan Update.

For more than three years City staff and I have been attempting to work out a viable plan that would allow us to initially support the SDSU Master Plan in 2005 and most recently the SDSU Master Plan Update during 2007. Unfortunately we were not able to reach a solution in 2005 and the City, along with the Del Cerro Action Council and Alvarado Hospital sued SDSU.

In April of 2006, the State Supreme Court effectively ruled in favor of the city and its residents in the case of the *City of Marina v. CSU Monterey Bay*. The decision required the CSU system to rescind the SDSU EIR and directed them to pay their fair-share of the costs of mitigations for off-site impacts resulting from any university development. It also required the CSU system seek funding for its fair-share amount from the State Legislature.

SDSU revamped their Master Plan and began negotiations with The Metropolitan Transit System (MTS), CalTrans, the San Diego Association of Governments (SANDAG), and the City of San Diego. After months of negotiations, SDSU was not able to reach an understanding with any of the four entities.

As an example, the City estimated the mitigation costs for SDSU surrounding the campus would require approximately \$21 million. SDSU estimated their fair-share was only \$6.1 million. Despite several proposals by the City, SDSU would not move from the \$6.1 million estimate.

On November 19, 2007, despite letters from SANDAG, MTS, CalTrans and the City of San Diego, expressing their major concerns over the inability to reach an understanding for SDSU's fair-share, and a letter from State Senator Christine Kehoe urging the CSU Board of Trustees to reach an agreement before approving the SDSU Master Plan Update, the CSU Board unanimously approved the plan without a single question or concern. Needless to say, I was appalled at CSU's lack of sensitivity to the surrounding neighborhoods of SDSU.

SDSU left the City of San Diego with no option other than to file suit against CSU to require the university to quit acting like the "Big Gorilla" and actually pay their fair-share of mitigation costs for community impacts – just like any other developer would be required.

Seeking relief in the courts is the least the City can do for the residents who reside in and around SDSU. The CSU Board of Trustees gave SDSU approval to increase student enrollment from 25,000 to 35,000 full time students over the next two decades. This translates to more than 40,000 students and 1,000 additional staff and faculty at a University that is already in a deficit situation regarding their contributions to traffic issues and other neighborhood concerns such as mini-dorms.

CSU's action is most unfortunate given my appreciation for SDSU and all they do as an institution for higher learning. As a lifetime member of the alumni association, I am disgusted more isn't being done now to build more student housing for the deficit that already exists, not to mention the projected enrollment increases this latest master plan will provide. Furthermore I continue to express my anger over SDSU stopping the Paseo Project – this project alone would provide housing for well over 1,200 students and possibly more. I haven't given up on that one. I can assure you that the City and I will continue pressing SDSU to reach viable solutions that will benefit the residents in and around SDSU.

Best regards,

Jim.

PS: You are welcome to forward this email to others on your distribution lists.